THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.1410 of 2005

Dated: 18.08.2006

Between
P.Jaya Prakash

…..Petitioner

and

1. The District Collector O/o The Collectorate
Civil Supplies, Mahaboobnagar District,
Mahaboobnagar and others.

….Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.1410 of 2005

ORDER:

This writ petition is filed seeking a writ of Mandamus to declare the proceedings vide No.J/1347/2004, dated 5.1.2005 on the file of the 2nd respondent as arbitrary and illegal.

Under the impugned proceedings, the fair price dealership of the petitioner for shop No.VII of Kollapur, Mahabubnagar was suspended with immediate effect.

It is the case of the petitioner that a show cause notice has been issued on 9.12.2004 asking him to explain as to why his authorization should not be suspended for issuance of 8 quintals of rice meant for Krishna Pushakaram work programme without collecting the coupons from the labourers who worked at Somasila village. The petitioner submitted his explanation on 16.12.2004 stating that on 21.10.2004, 8 quintals of rice was issued to the labourers and the labourers collected the rice in their bags and left the shop saying that they would take those bags after getting the bullock cart. On the same day evening they came to his shop and stated that they could not get a bullock cart for hire and so, they would take the rice bags later. Again on 25.10.2004, they came with bullock cart and took the rice issued to them on 21.10.2004. Therefore, the petitioner had neither committed any illegality nor retained the rice illegally. After submitting his explanation, the impugned proceedings have been issued.

Since the impugned proceedings are initiated as per the orders received from the Collector, CS, Mahaboobnagar, the petitioner has ventured to file the writ petition. Coming to the impugned proceedings, it does not reveal as to what exactly is the contravention and who spoke about it. It appears that 8 quintals of rice was distributed without collecting the coupons. The petitioner has stated that no coupons were issued and the rice sanctioned for Krishna Pushakaram was distributed as per the muster rolls maintained by the Village Secretary of Somasila village and the petitioner has obtained the signatures against their names. The impugned order is in the nature of a suspension as a measure of punishment pending enquiry. It seems that the Mandal Revenue Officer also filed a report stating that there was no illegality committed by the petitioner but that was also not taken into consideration.

In the facts and circumstances of the case, I am of the opinion that the authorities have not considered the matter as required under law. They have not formulated the charges. Only on the basis of explanation the impugned orders were passed. No proper enquiry was conducted. Under those circumstances, I am of the opinion that the impugned proceedings are illegal and are liable to be set aside.

Accordingly, the writ petition is allowed and the impugned proceedings are set aside. No costs. However, this will not preclude the authorities from initiating any action and passing orders after putting the petitioner on notice and hearing him personally. Till such time the petitioner is entitled to supply

essential commodities on usual terms.

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18.08.2006

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